

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK
BROOKLYN DIVISION

IN RE

ISAAC JACOB HECHT,

CHAPTER 13

DEBTOR.

CASE NO. 16-42519

JUDGE: Carla E. Craig

**LIMITED OBJECTION OF NATIONSTAR MORTGAGE LLC AS SERVICER FOR
U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR SPECIALTY
UNDERWRITING AND RESIDENTIAL FINANCE TRUST MORTGAGE LOAN
ASSET-BACKED CERTIFICATES, SERIES 2006-AB2 TO DEBTOR'S MOTION FOR
AN ORDER APPROVING LOAN MODIFICATION**

Katherine Heidbrink, attorney for Nationstar Mortgage LLC as Servicer for U.S. Bank National Association, as Trustee for Specialty Underwriting and Residential Finance Trust Mortgage Loan Asset-Backed Certificates, Series 2006-AB2, affirms under penalty as follows:

1. I am a Bankruptcy Attorney with Shapiro, DiCaro & Barak, LLC, attorneys for Nationstar Mortgage LLC as Servicer for U.S. Bank National Association, as Trustee for Specialty Underwriting and Residential Finance Trust Mortgage Loan Asset-Backed Certificates, Series 2006-AB2 ("Nationstar"), and am familiar with the facts and circumstances surrounding this matter.

2. Nationstar holds a mortgage on the Debtor's real property located at 1503 Union Street, Brooklyn, NY 11213 (the "Property").

3. This Limited Objection is submitted in response to the Motion to Approve a permanent loan modification filed by the Debtor on January 5, 2019 as ECF Doc. No. 83 (the "Motion to Approve").

4. Prior to the Motion to Approve, the parties agreed for Nationstar to permanently modify the Debtor's loan, but if, and only if, the Debtor made a down payment totaling \$200,000 (the "Down Payment").

5. The Debtor has already paid the bulk of the Down Payment directly to Nationstar. However, the Chapter 13 Trustee was to pay \$15,100 of the Down Payments from monies held as part of proposed Plan payments.

6. On December 27, 2018, this Court entered a So Ordered Stipulation for the Chapter 13 Trustee to pay the missing \$15,100 to Nationstar, *inter alia* (ECF Doc. No. 82, the "Stipulation").

7. To date, Nationstar has not yet received the missing \$15,100.

8. If Nationstar receives the missing \$15,100, pursuant to the terms of the Stipulation, Nationstar will promptly countersign the permanent loan modification affixed to the Motion to Approve in a commercially reasonable time.

9. According to this Court's ordinary practice, permanent loan modifications submitted for approval must be fully executed by all parties.

10. For the reasons set forth above, Nationstar has not countersigned the permanent loan modification, and will not countersign same until the Down Payment is paid in full.

11. Nationstar respectfully submits that the Motion to Approve be carried until after the Chapter 13 Trustee is able to complete the Down Payment.

WHEREFORE, Nationstar respectfully requests that the Court adjourn the Motion to Approve until such time as the Stipulation is fully performed and the permanent loan

modification fully executed; or such other and further relief as may be just and proper.

Dated: February 7, 2019
Melville, New York

Respectfully submitted,

/s/ Katherine Heidbrink
Katherine Heidbrink
Bankruptcy Attorney
Shapiro, DiCaro & Barak, LLC
Attorneys for U.S. Bank National Association, as
Trustee for Specialty Underwriting and Residential
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Katherine Heidbrink

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AFFIDAVIT OF SERVICE BY MAIL

STATE OF NEW YORK)
)
)ss:
COUNTY OF SUFFOLK)

I, Alicia McNamee, being sworn, say, I am not a party to this action; I am over 18 years of age, I reside in Suffolk County, New York.

On February 7, 2019 I served the within Objection to Motion Approving Trial Loan Modification upon:

TO: Debtor
 Isaac Jacob Hecht
 1503 Union Street
 Brooklyn, NY 11213

Attorneys for Debtor
Joseph Y. Balisok
Balisok & Kaufman PLLC
251 Troy Avenue
Brooklyn, NY 11213

Rachel S. Blumenfeld
Law Office of Rachel S. Blumenfeld
26 Court Street
Suite 2220
Brooklyn, NY 11242

Trustee
Michael J. Macco
2950 Express Drive South
Suite 109
Islandia, NY 11749

U.S. Trustee
U.S. Federal Office Building
201 Varick Street, Room 1006
New York, NY 10014

at the addresses designated by the foregoing individuals for that purpose by depositing a true copy of same enclosed in a postpaid, properly addressed wrapper, in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York.

Date: February 7, 2019

Alicia McNamee
Alicia McNamee
Bankruptcy Paralegal
Shapiro, DiCaro & Barak, LLC
Attorneys for Nationstar Mortgage LLC as
Servicer for U.S. Bank National Association,
as Trustee for Specialty Underwriting and
Residential Finance Trust Mortgage Loan
Asset-Backed Certificates, Series 2006-AB2
One Huntington Quadrangle, Suite 3N05
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Fax: (631) 844-9525

Sworn to before me this
7th day of February, 2019

Deborah Callahan
Notary Public

DEBORAH CALLAHAN
Notary Public, State of New York
Registration No. 01-CA6278202
Qualified in Suffolk County
Commission Expires 3/18/2021